



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

SEP 16 2013

Mr. David Nelson
DRW Holdings, LLC
540 West Madison
Chicago, Illinois 60661

Dr. Steven Kornder
AECOM
750 Corporate Woods Parkway
Vernon Hills, Illinois 60061

RE: Completion of On-Site Work Under ASAOC Docket No. V-W-12-C-996
AKA 455 North Park Drive, Chicago, Illinois/Lindsay Light II Site
Site ID # 05YT OU13

Dear Mr. Nelson and Dr. Kornder:

On April 13, 2012, the United States Environmental Protection Agency (U.S. EPA) entered into an Administrative Settlement Agreement on Consent (ASAOC) Docket No. V-W-12-C-996 with New Water Park LLC, in which New Water Park LLC agreed to perform specified activities including soil screening, removal and other activities ("the Work") at 455 North Park, Chicago, Illinois (Site) and to reimburse U.S. EPA response costs associated with this Site. U.S. EPA and New Water Park LLC entered into an ASAOC because an Action Memorandum documented U.S. EPA's determination that radioactive materials present at the Site posed an imminent and substantial threat to the public health and the environment and explained the need for a time-critical removal action based on the impending development of the Site.

The terms of the ASAOC required that New Water Park LLC remove, transport and dispose of off-site all soils investigated that exceeded U.S. EPA's cleanup standard of 7.1 picoCuries per gram total radium (Ra226 and Ra228) established for Lindsay Light II. The ASAOC also provided that if New Water Park LLC did not radiologically investigate the entire Site or remediate thorium from the entire Site, then New Water Park LLC would establish U.S. EPA-approved institutional controls to control exposure to and release of thorium contamination.

Those institutional controls will consist of an U.S. EPA-approved Environmental Covenant, pursuant to the Uniform Environmental Covenants Act (765 ILCS Ch. 122), which will be recorded against the title to the Site. Pursuant to the ASAOC, New Water Park LLC submitted a work plan that U.S. EPA approved on June 8, 2012 and then New Water Park LLC initiated the Work in July 2012.

While performing the Work, New Water Park identified several areas of potential and confirmed contamination at 455 North Park and in adjacent city of Chicago-owned rights-of-ways. New Water Park LLC construction activities are ongoing; consequently, New Water Park LLC later will submit additional documentation that the Work in the rights-of-ways has been completed. To be clear, this letter is to document the completion of the remediation work within the boundaries of the New Water Park LLC-owned property. Once the excavation work has been completed in the rights-of-ways, New Water Park LLC will request U.S. EPA to issue a Completion Letter addendum that will cover those rights-of-ways and that addendum will be added to and become a part of this Completion Letter.

On August 21, 2013, AECOM, New Water Park LLC's environmental consultant, submitted a Final Report meeting the requirements of Paragraph 21 of the ASAOC and documenting completion of the Work as required at 455 North Park. The Final Report included documentation that New Water Park LLC shipped 355 cubic yards of thorium contaminated soil, 87.5 cubic yards to Energy Solutions, Clive, Utah, 157.5 cubic yards to Waste Control Specialists, LLC, in Andrews, Texas, and 110 cubic yards to U.S. Ecology, in Grandview, Idaho, disposal facilities licensed to accept radioactive wastes, in accordance with Paragraphs 21 and 22 of the ASAOC. The Final Report also noted that New Water Park LLC did not screen the entirety of the fill materials at the Site. Based upon New Water Park LLC's Final Report and U.S. EPA's inspection of the Site and past oversight of the Work, U.S. EPA concludes that New Water Park excavated and shipped off-site all investigated materials that exceeded U.S. EPA's clean-up standard of 7.1 picoCuries per gram and completed the Work required by ASAOC Section VIII within the boundaries of the New Water Park LLC-owned property. There is no known thorium contaminated soil that exists within the boundaries of the New Water Park LLC-owned property at the Site.

Nonetheless, further radiological investigation will be required during excavation in the rights-of-way. If subsurface soils in the rights-of-way are exposed or intruded upon and if radiological contamination is identified, that contaminated material must be properly managed and disposed of. As stated above, this letter reflects U.S. EPA's determination, in accordance with Paragraph 74 of the ASAOC, that New Water Park LLC has completed the Work on its property required by the ASAOC, with the exception of certain continuing obligations required by the ASAOC. New Water Park LLC has completed the removal of all radioactive materials that exceeded U.S. EPA's cleanup standard in the portions of the New Water Park LLC-owned property that were radiologically investigated. Also, as noted in the preceding paragraph, New Water Park LLC did not radiologically investigate the entire Site. Accordingly, as one of the continuing obligations

required by the ASAO, New Water Park LLC is required to establish U.S. EPA-approved institutional controls to control exposure to and release of thorium contamination that may be present at the portions of the Site that were not radiologically investigated. U.S. EPA, therefore, anticipates no need to take additional investigatory or cleanup action at this property unless new information warranting further Superfund consideration or conditions not previously known to U.S. EPA regarding the property are discovered. This notice of completion in no way releases New Water Park LLC from any potential future obligations to perform additional work to address the same, or other, conditions at the Site should such work be the subject of a future U.S. EPA Administrative Order. Similarly, this notice of completion does not release New Water Park LLC from any recordkeeping, payment (including payment of certain response costs in accordance with Paragraph 40 of the ASAO), or other obligations under the ASAO that extend beyond the date of this notice.

Please contact me at (312) 886-3601, or Eugene Jablonowski, Superfund Health Physicist at (312) 886-4591, and direct legal inquiries to Mary Fulghum, Associate Regional Counsel at (312) 886-4683 or Cathleen Martwick, Associate Regional Counsel at (312) 886-7166, if have questions concerning this letter.

Sincerely,

A handwritten signature in cursive script that reads "Verneta Simon".

Verneta Simon, P.E.
On-Scene Coordinator

cc: Mort Ames, City of Chicago Department of Law
Thomas Baughman, Illinois Department of Public Health
John Kim, Illinois EPA
Adnan Khayyat, IEMA
Vincent Oleskiewicz, LeechTishman
Terry Sheahan, City of Chicago Department of Health
Kimberly Worthington, City of Chicago Department of Fleet & Facility Management

bcc: Mary Fulghum, C-14J
Charlie Gebien, SE-5J
Eugene Jablonowski, SMF-5J
Debbie Keating, SE-5J
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